



Sprint Nextel
2001 Edmund Haller Drive
Reston, VA 20191

April 4, 2007

Via Electronic Submission

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Application of Sprint Nextel Corp. to Amend and Consolidate Its
Designation as an Eligible Telecommunications Carrier in Louisiana;
CC Docket No. 96-45**

Dear Ms. Dortch:

Attached is an Order from the Louisiana Public Service Commission ("LPSC") approving Sprint Nextel Corporation's ("SN") Petition to Amend and Consolidate its Designation as an Eligible Telecommunications Carrier in Louisiana.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being electronically filed with your office. Please associate this letter with the above-referenced proceeding.

Should you have any questions regarding this matter, please do not hesitate to contact me at (703) 592-7185.

Respectfully submitted,

Todd B. Lantor
Senior Counsel

Enclosure

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. U-29954

SPRINT NEXTEL CORPORATION, EX PARTE

Docket No. U-29954 In Re: Application of Sprint Nextel Corporation to Amend and Consolidate Its Designation as an Eligible Telecommunications Carrier.

(Decided at the March 21, 2007 Business and Executive Session.)
(Amends and Consolidates Order U-27509 and Order U-27289)

Nature of the Case

On January 31, 2007, Sprint Nextel Corporation ("Sprint Nextel") filed an application to amend and consolidate its existing designation as an Eligible Telecommunications Carrier ("ETC"). This Commission has previously designated Sprint as an ETC for non-rural areas in Order No. U-27509¹, and Nextel Partners as an ETC in rural areas in Order No. U-27289². Since the time of the designation, Sprint and Nextel have merged and as a result, Sprint and Nextel Partners are both subsidiaries and affiliates of Sprint Nextel Corporation. Additionally, the parties have noted that in Sprint's original non-rural application, it only sought ETC status in the BellSouth wire centers in which it provided service. By way of the current filing, Sprint Nextel seeks to consolidate the missing ETC designations under the name of the parent company, Sprint Nextel, and to expand the non-rural designation to cover the entirety of the BellSouth wire centers for which Sprint was designated.

By way of the current filing, Sprint Nextel reiterates the commitments made by both Sprint and Nextel Partners in their original designations. Additionally, the Company re-confirms its compliance with the requirements of 47 USC § 214(e) and 47 C.F.R. § 54.201. A timely intervention to Sprint Nextel's application was filed by the Small Company Committee of the Louisiana Telecommunications Association ("SCC"). As stated in the filing, the SCC "does not oppose the Application of Sprint Nextel" and "is intervening as an Interested Party to monitor the docket" only. Thus, there is no opposition to the application as filed, and by agreement of the parties, this matter has proceeded on a Staff level.

Jurisdiction and Applicable Law

The Commission exercises jurisdiction over public utilities in Louisiana pursuant to the Louisiana Constitution Article IV, Section 21(B), which states

The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provide by law.

Pursuant to the above authority, the Commission adopted the Regulations for Competition in the Local Telecommunications Market, as most recently amended in Appendix B to the General Order dated July 24, 2002. As defined therein in Section 101,

(6) Commercial Mobile Radio Service (CMRS) – a mobile service that is: (a)(1) provided for profit, i.e., with the intent of receiving compensation or monetary gain; (2) an interconnected service; and (3)

¹ The actual entities designated as an ETC in Commission Order U-27509 were Sprint Spectrum, L.P., SprintCom, Inc. and WirelessCo, L.P., d/b/a Sprint PCS.

² The actual entity designated as an ETC in Commission Order U-27289 was NPCR, Inc. d/b/a Nextel Partners.

available to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public; or (b) the functional equivalent of such a mobile service described in paragraph (a) of this definition. 47 CFR § 20.3, as amended. CMRS includes "Radio Common Carriers: as that term is defined and used in La R.S. § 45:1500 *et seq.*

(7) Commercial Mobile Radio Service Provider — any person or entity engaged in the provision of a service that is a commercial mobile radio service. CMRS provider includes "Radio Common Carriers: as that term is defined and used in La R.S. § 45:1500 *et seq.*

The Commission is given broad power to regulate telephone utilities and may adopt all reasonable and just rules, regulations, and orders affecting or connected with the service or operation of such business? As stated previously, 41 U.S.C. § 214(e)(2) grants the power to the state commissions to designate a common carrier that meets the requirements of 47 U.S.C. § 214(e)(1) as an ETC for a service area specified by the commission.

The requirements of 47 USC § 214(e) are as follows:

(1) Eligible telecommunications carriers • A common carrier designated as an eligible telecommunications carrier under paragraph (2), (3), or (6) shall be eligible to receive universal service support in accordance with section 254 of this title and shall, throughout the service area for which the designation is received —

(A) offer the services that are supported by federal universal service support mechanisms under section 254(e) of this title, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and

(B) advertise the availability of such services and the charges there for using media of general distribution.

(2) Designation of eligible telecommunications carriers • A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission. Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.

Additionally, the supported services that must be provided as a requirement for ETC designation are contained in 47 C.F.R. § 54.101, which provides as follows:

- (a) Services designated for support. The following services or functionalities shall be supported by federal universal service support mechanisms:
 - (1) Voice grade access to the public switched network. "Voice grade access" is defined as a functionality that enables a user of telecommunications services to transmit voice communications.

³ South Central Bell Tel. Co. v. Louisiana Public Service Commission, 352 So.2d 999, (La. 1977.)

including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call. For the purposes of this part, bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz;

- (2) Local usage. "Local usage" means an amount of minutes of use of **exchange service**, prescribed by the Commission, provided free of charge to end users;
- (3) **Dual** tone multi-frequency signaling or its functional equivalent. "Dual tone multi-frequency" (DTMF) is a method of signaling that facilitates the **transportation** of signaling **through** the network, shortening call set-up time;
- (4) Single-party service or its functional equivalent. "Single-party service" is telecommunications service that permits users to **have** exclusive use of a wireline subscriber loop or **access** line for **each** call placed, or, in the case of wireless telecommunications carriers, which use spectrum shared **among** users to provide service, a dedicated message path for the length of a user's particular transmission;
- (5) Access to emergency services. "Access to emergency services" includes access to services, such as **911** and enhanced **911**, provided by local governments or other public safety organizations. **911** is defined as a service that permits a telecommunications user, by dialing the three-digit code "911," to **call** emergency services through a Public Service Access Point (PSAP) operated by the local government. **Enhanced 911** is defined as **911** service that includes the ability to provide automatic **numbering** information (ANI), which enables **the PSAP** to call back if the call is disconnected, and automatic location information (ALI), which permits emergency service providers to identify the geographic location of the calling party. "Access to emergency services" includes access to **911** and enhanced 911 services to the extent the local government in an eligible carrier's service **area** has implemented **911** or enhanced **911** systems;
- (6) Access to operator services. "Access to operator services" is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or **both**, of a telephone call;
- (7) Access to interexchange service. "Access to interexchange service" is defined as **the** use of **the** loop, as well as that portion of **the** switch **that** is paid for by **the** end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network;
- (8) **Access** to directory assistance. "Access to directory assistance" is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings; and
- (9) **Toll limitation for qualifying low-income consumers.** Toll limitation for qualifying low-income consumers is described in subpart E of this **part**.
- (b) Requirement to offer all designated services. An eligible telecommunications carrier must **offer** each of the services set

forth in paragraph (a) of this section in order to receive federal universal service support.

- (c) Additional time to complete network upgrades. A state commission may grant the petition of a telecommunications carrier that is otherwise eligible to receive universal service support under Sec. 54.201 requesting additional time to complete the network upgrades needed to provide single-party service, access to enhanced 911 service, or toll limitation. If such petition is granted, the otherwise eligible telecommunications carrier will be permitted to receive universal service support for the duration of the period designated by the state commission. State commissions should grant such a request only upon a finding that exceptional circumstances prevent an otherwise eligible telecommunications carrier from providing single-party service, access to enhanced 911 service, or toll limitation. The period should extend only as long as the relevant state commission finds that exceptional circumstances exist and should not extend beyond the time that the state commission deems necessary for that eligible telecommunications carrier to complete network upgrades. An otherwise eligible telecommunications carrier that is incapable of offering one or more of these three specific universal services must demonstrate to the state commission that exceptional circumstances exist with respect to each service for which the carrier desires a grant of additional time to complete network upgrades.

Consistent with the above sections, the Commission issued a General Order dated May 20, 2004, which establishes specific public interest criteria applicable for applications seeking ETC designation in areas served by rural telecommunications carriers.

Staff's Recommendation and Commission's Consideration

The Commission is authorized under Sections 214(e) and 254 of the Communications Act of 1934 to designate Sprint Nextel as an ETC. Based upon the record evidence, and in particular the history of compliance with the Commission's ETC regulations from both Sprint and Nextel Partners, Staff opined that Sprint Nextel continues to meet all of the criteria for ETC designation contained in Section 214(e)(1) of the Telecom Act, as it (1) is a common carrier, (2) currently provides each of the supported services required of an ETC under 47 C.F.R. Section 54.101(a), and will offer all of those services to its universal service customers once designated an ETC, (3) advertises the availability of the supported services and charges using media of general distribution, (4) offers the required services using its own facilities or a combination of its own facilities and another carrier's services, and (5) identified the service areas through which it will offer and advertise the supported services, as well as the public interest criteria adopted by the Commission in the General Order dated May 20, 2004.

Staff further noted that granting Sprint Nextel's application to consolidate the existing designations would streamline the annual certification process with the FCC and USAC. Finally, granting the application to expand the non-rural designation of Sprint will provide a benefit to low-income customers, as Sprint Nextel's Lifeline offerings will be expanded to the entirety of the wire centers for which the initial non-rural designation was granted. For these reasons, Staff recommended Sprint Nextel's application should be granted. Sprint Nextel's request was considered by the Commission at its March 21, 2007 Business and Executive Session. On motion of Commissioner Sittig, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to accept the Staff Recommendation and grant Sprint Nextel Corporation's application to amend and consolidate its designation as an Eligible Telecommunications Carrier.

IT IS THEREFORE ORDERED THAT

1. The Commission's Prior designations as ETCs of Sprint in Order U-27509 and Nextel Partners in Order U-27289 are hereby consolidated under the name Sprint Nextel.
2. Sprint Nextel's request to expand the existing ETC designation as set forth in its application is hereby granted.
3. This Order shall be effective immediately.

**BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA**

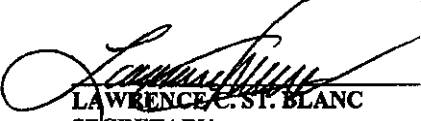
March 29, 2007

/S/ JACK "JAY" A. BLOSSMAN
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/S/ LAMBERT C. BOISSIERE, III
DISTRICT III
VICE CHAIRMAN LAMBERT C. BOISSIERE, III

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